

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 719

Short Title: Suspension Removed When Eligibility Met. (Public)

Sponsors: Representative Brawley (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B.

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO EXPUNGE
SUSPENSIONS AND REVOCATIONS ENTERED ON A LIMITED PERMITTEE OR
PROVISIONAL LICENSEE'S DRIVING RECORD IF THE STUDENT PROVIDES THE
REQUIRED DOCUMENTATION TO THE DIVISION THAT THE STUDENT MEETS
THE ELIGIBILITY REQUIREMENTS AND IF THE LIMITED PERMITTEE OR
PROVISIONAL LICENSEE HAS NEVER HAD A PRIOR EXPUNCTION FROM THE
PERMITTEE'S DRIVING RECORD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-13.2 reads as rewritten:

"§ 20-13.2. Grounds for revoking provisional license.

...

(c1) Upon receipt of notification from the proper school authority that a person no longer meets the requirements for a driving eligibility certificate under G.S. 20-11(n), the Division must expeditiously notify the person that his or her permit or license is revoked effective on the tenth calendar day after the mailing of the revocation notice. The Division must revoke the permit or license of that person on the tenth calendar day after the mailing of the revocation notice. Notwithstanding subsection (d) of this section, the length of revocation must last for the following periods:

- (1) If the revocation is because of ineligibility for a driving eligibility certificate under G.S. 20-11(n)(1), then the revocation shall last until the person's eighteenth birthday.
- (2) If the revocation is because of ineligibility for a driving eligibility certificate under G.S. 20-11(n1), then the revocation shall be for a period of one year.

For a person whose permit or license was revoked due to ineligibility for a driving eligibility certificate under G.S. 20-11(n)(1), the Division must restore a person's permit or license before the person's eighteenth birthday, if the person submits to the Division one of the following:

- (1) A high school diploma or its equivalent.
- (2) A driving eligibility certificate as required under G.S. 20-11(n).

For a person whose permit or license was revoked due to ineligibility for a driving eligibility certificate under G.S. 20-11(n1), the Division shall restore a person's permit or license before the end of the revocation period, if the person submits to the Division a driving eligibility certificate as required under G.S. 20-11(n). If the Division restores a permit or license pursuant to this subsection, any record of revocation or suspension shall be expunged



1 by the Division from the driving record of the student. The Division shall not expunge a
2 suspension or revocation record for a suspension or revocation issued pursuant to this section if
3 a student has had a prior expunction from the student's driving record for any reason.

4 Notwithstanding any other law, the decision concerning whether a driving eligibility
5 certificate was properly issued or improperly denied shall be appealed only as provided under
6 the rules adopted in accordance with G.S. 115C-12(28), 115D-5(a3), or 115C-566, whichever
7 is applicable, and may not be appealed under this Chapter.

8"

9 **SECTION 2.** This act becomes effective December 1, 2011, and applies to
10 reinstatements occurring on or after that date.